

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 233

(By Mr. Spencer McQuinn)



PASSED March 6, 1947

In Effect from Passage



233

ENROLLED

House Bill No. 233

(By MR. SPEAKER, MR. AMOS)

[Passed March 6, 1947; in effect from passage.]

AN ACT to amend and reenact section nineteen, article three, chapter sixty of the code of West Virginia, as last amended by chapter nine, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to the operating and reserve funds and other moneys of the state liquor control commission, and providing for payments to municipalities for the purpose of reimbursing municipalities for their expenditures in enforcing state laws for the protection of life and property.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article three, chapter sixty of the code of West Virginia, as amended by chapter nine, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 19. *Amount of Operating and Reserve Fund;*

2 *Payments to Municipalities for Reimbursement of*

3 *Expenditures in Enforcing State Laws; Disposition of*
4 *Excess.*—All moneys collected by the commission shall be
5 credited to the operating fund until that fund reaches an
6 amount sufficient for the current and routine require-
7 ments of the department, this amount to be fixed by the
8 commission with the approval of the governor, and not
9 to exceed at any time the sum of one million five hundred
10 thousand dollars. The receipts in excess of the require-
11 ments of the operating fund shall be paid into the reserve
12 fund until the amount of the reserve fund equals three
13 hundred fifty thousand dollars.

14 From receipts in excess of the requirements of the
15 operating and reserve funds, the sum of fifty thousand
16 dollars shall, upon requisition of the governor, be paid
17 monthly into the state treasury and credited to a special
18 fund to be established for the purpose of state payments
19 to municipalities. The money in such fund shall be
20 apportioned by the treasurer among the incorporated
21 municipalities of the state on the basis of population,
22 determined as follows:

23 (a) If the municipality be one that was in existence

24 at the time of the taking of the last preceding federal
25 decennial census, the population as shown by that census
26 shall be the basis.

27 (b) If the municipality be one that was created sub-
28 sequent to the taking of the last preceding federal
29 decennial census, ninety-five per centum of the popula-
30 tion shown by the census taken in pursuance of section
31 three, article two, chapter eight of this code shall be the
32 basis.

33 (c) If the municipality be one into which additional
34 area has been taken pursuant to law subsequent to the
35 time of the fixing of the basis for that municipality,
36 ninety-five per centum of the population of the additional
37 area added to the population theretofore fixed as the
38 basis for that municipality shall thereafter be the basis.

39 No payments shall be made to any municipality on a
40 basis including population within any such additional
41 area unless and until the governing body of the munici-
42 pality shall request the state treasurer, in writing, to
43 cause to be taken a census of the population in the addi-
44 tional area, and until after such census shall have been

45 completed. Upon receiving such request the state treas-
46 urer shall appoint two enumerators to take such census,
47 who shall be residents of the county in which the addi-
48 tional area, or some part of it, is situate. Such census
49 shall be taken as of the first day of the calendar month in
50 which the taking of the census is commenced, and shall
51 exhibit the names of all persons who were residents of
52 such additional area on that day. There shall be annexed
53 to the census the affidavit of the enumerators, setting
54 forth that due care was exercised in the taking of the
55 census and that it does not contain any inaccuracy of
56 which the affiants have knowledge. The enumerators
57 shall each be paid as compensation the sum of fifty
58 dollars if the population in the additional area does not
59 exceed one thousand, and, if it exceed one thousand, then
60 twenty-five dollars for each additional five hundred or
61 part thereof in excess of one hundred. The state trea-
62 surer shall pay the compensation of the enumerators out
63 of the special fund mentioned in this section and shall
64 deduct the amount so paid from the next payment made
65 by the state treasurer to the municipality.

66 The amounts paid to municipalities is paid for the
67 purpose of reimbursing the municipalities for their
68 expenditures in enforcing state laws for the protection
69 of life and property.

70 All receipts of the commission, not otherwise disposed
71 of by this section, shall, upon requisition of the governor,
72 be paid monthly into the state general revenue fund.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McMer
Chairman Senate Committee

R. S. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect from _____ passage.

Howard Hughes
Clerk of the Senate

Phillip
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 12
day of March, 1947.

Blair M. Hodson
Governor.



Filed in the Office of the Secretary of State
of West Virginia

MAR 13 1947
SECRETARY OF STATE